

STATE OF INDIANA
COUNTY OF MARION

) IN THE MARION SUPERIOR COURT
) SS:
) CAUSE NO.

STATE OF INDIANA,

Plaintiff,

v.

BLUEGREEN VACATIONS
UNLIMITED, INC.,

Defendant.

490010603PL0011800

FILED

32

MAR 23 2006

Dana Ann Sadler
CLERK OF THE
MARION CIRCUIT COURT

STIPULATED SETTLEMENT

The Plaintiff, State of Indiana, by Attorney General Steve Carter and Deputy Attorney General David A. Paetzmann, and the Defendant, Bluegreen Vacations Unlimited, Inc. ("Bluegreen"), hereby agree to entry of a Stipulated Settlement without trial or adjudication of any issue of fact or law herein.

The parties believe it is in their best interest to resolve the issues raised by the State of Indiana and avoid further litigation. This Stipulated Settlement does not constitute an admission by the Defendant of any wrongdoing, nor shall it be construed as abandonment by the Attorney General of his position that the Defendant violated Indiana's Promotional Gifts and Contests Act.

JURISDICTION

1. This Court has jurisdiction and venue over the subject matter of this action and the parties hereto.
2. The State of Indiana's Complaint states a cause of action pursuant to the Indiana Promotional Gifts and Contests Act, Indiana Code § 24-8-1-1, *et seq.*
3. The Defendant, Bluegreen Vacations Unlimited, Inc., is a Florida corporation with its principal place of business at 4960 Conference Way North, Suite 100, Boca Raton,

Florida, and maintains an office in the state of Indiana at 3500 W. DePaul Blvd., Suite 2060, Indianapolis, Indiana.

DEFINITIONS

4. "Prize" shall refer to a gift, award, or other item distributed in a promotion.
5. "Promotion" shall refer to a written notice offering property or a chance to obtain property to a person based on a representation that the person has been awarded or may have been awarded a prize.

RELIEF ORDERED

6. Bluegreen, its agents, representatives, employees, successors, and assigns are permanently enjoined from engaging in the following acts while distributing prize promotion solicitations to Indiana residents:
 - a. Failing to state, in its promotional notices, the verifiable retail value in immediate proximity with each listing of the prize in each place it appears on the notice. The verifiable retail value must be listed in the same size, type, and boldness as used for the prize.
 - b. If a person is required or invited to view, hear or attend a sales presentation in order to claim a prize that has been awarded or may have been awarded as part of a Bluegreen promotion, failing to conspicuously disclose, in its promotional notices, the requirement or invitation in at least 10 point boldface type on the first page of the promotion.
 - c. If a prize is offered or given that will require a person to purchase additional goods or services, including shipping fees, handling fees, or any other charge, failing to clearly disclose, in its promotional notices, the requirement and additional cost to the person on the first page of the promotion. Disclosure must be made using the following statement: "You

must pay \$(specify exact amount) in order to receive this item." The disclosure statement must be in at least 10 point boldface type.

d. Failing to clearly disclose, in its promotional notices, any limitation on eligibility of persons in at least 10 point boldface type.

7. Bluegreen shall fully comply with the Indiana Promotional Gifts and Contests Act in any future solicitation of Indiana consumers.

RESTITUTION AND COSTS

8. Upon execution of this Stipulated Settlement, Bluegreen shall pay the amount of Five Hundred Dollars (\$500.00) to Joan Kearnaghan of Noblesville, Indiana, through the Office of the Indiana Attorney General, pursuant to Ind. Code § 24-8-6-2.

9. Upon execution of this Stipulated Settlement, Respondent shall pay costs in the amount of Three Thousand Dollars (\$3,000.00) to the Office of the Attorney General.

CONTINUING JURISDICTION

10. For the purpose of enforcing the provisions of this Stipulated Settlement, the Defendant waives any objection regarding the Court's jurisdiction to punish for contempt and agrees to appear on proper notice of a failure to comply with any of the provisions of this Stipulated Settlement.

IN WITNESS WHEREOF, the parties have executed this Stipulated Settlement this 20th day of March, 2006

STATE OF INDIANA
STEVE CARTER
Attorney General of Indiana

By: [Signature]
David A. Paetzmann
Deputy Attorney General
Attorney No. 6392-23

BLUEGREEN VACATIONS UNLIMITED, INC.

By: [Signature]
Title: President

ALL OF WHICH IS APPROVED, ORDERED, ADJUDGED AND DECREED
this ____ day of MAR 23 2006, 2006

RECOMMENDED FOR APPROVAL
Synda F. Dupont

Judge, Marion Superior Court
COMMISSIONER
APPROVED AND ORDERED

Distribution:

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Indianapolis, IN 46204

Legal Department
Bluegreen Vacations, Unlimited, Inc.
4960 Conference Way North, Suite 100
Boca Raton, FL 33431

Theodore M. Soier